

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**JACQUELYN PEDIGO, on Behalf of  
Herself and Others Similarly Situated**

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**Plaintiff,**

**CIVIL ACTION NO. A:08-cv-803-JRN**

**3003 SOUTH LAMAR, LLP d/b/a  
ALLIGATOR GRILL**

Defendant.

## **Joint Motion to Approve Settlement and to Dismiss With Prejudice**

## I. Basis for Motion

This case involves allegations by Plaintiffs that Defendant failed to pay them appropriate minimum and overtime wages pursuant to the Fair Labor Standards Act (FLSA). Defendant denied Plaintiffs' allegations. Jacquelyn Pedigo brought this suit on behalf of herself and others similarly situated. The Court conditionally certified this case as a collective action (*Docket Entry No. 38*) and a total of twenty-four (24) class members filed consent forms to join this case. Four claimants were later dismissed. (*Docket Entry Nos. 19 and 67*).

On 6/17/10 this Court granted Plaintiffs' Motion for Partial Summary Judgment on the issue of liability and directed the parties to mediate the issues of damages and attorneys' fees. (*Docket Entry No. 64*). Following the Court's order, the Parties reached a settlement of all issues

and claims asserted, or which could have been asserted, in this case and the companion case.<sup>1</sup> The terms of the settlement are confidential. The terms of the settlement have been approved by the Representative Plaintiff, each of the opt-in claimants, Plaintiffs' counsel, and Defendant. All parties have signed the settlement agreement. The settlement was negotiated at arms length, and was achieved after more than two (2) years of investigation, discovery, and negotiation. The terms of the settlement are fair, reasonable, and in the best interest of all parties.

WHEREFORE, the parties respectfully requests this Court to sign the accompanying order approving the settlement and dismissing this case with prejudice per Fed. R. Civ. P. 41, as well as for such other relief, at law and in equity, to which the parties may show themselves justly entitled.

Respectfully submitted,

**DEBES LAW FIRM**

***/S/ ROBERT R. DEBES, JR.***

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**COUNSEL FOR PLAINTIFFS**

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<sup>1</sup> The "companion case" is styled Case No. 1:10-cv-168; *Tracy Barbarossa Grande, et al. v. Steven Wimberly*, in the United States District Court for the Western District of Texas – Austin Division. The Parties will also file a Rule 41 dismissal with prejudice in that case upon notification by the Court that this Joint Motion has been approved.

**OF COUNSEL:**

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*/s/ STEPHEN M. ORR*

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**COUNSEL FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing instrument was forwarded to all counsel of record via ECF delivery on this the 4<sup>th</sup> day of October 2010 as follows:

Stephen M. Orr  
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*/s/ Robert R. Debes, Jr.*

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ROBERT R. DEBES, JR.